IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

And
THE HON'BLE MR JUSTICE K.C. BHANU

W.A.No.873 of 2004 & W.P.No.6556 of 2004

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WRIT APPEAL NO : 873 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 08/03/2004 in WP No: 4141 OF 2004 on the file of the High Court.)

Between:

1 Mithinti Venkateshwarlu, S/o Narsaiah,
Khanapur village, Thorrur Mandal, Warangal District.
2 Alloju Uppalachary, s/o Ramachadraiah,
Thorrur Village & Mandal, Warangal District.
3 Kandadi Achireddy, S/o Malla Reddy,
R/o Annapuram Village ,Thorrur Mandal, Warangal District.
4 Lingala Venkata Narayana Goud, S/o Somaiah Goud,
r/o Gurthuru village, Thorrur Mandal, Warangal District.
5 Nuthanakanti Veeranna, S/o Yakaiah,
r/o Thorrur Village & Mandal, Warangal District.
6 Pasunathi Seetharamulu, S/o Venkataiah,
r/o Matedu Village, Thorrur Mandal, Warangal District.
7 Kalwakolan Surrender Raju, s/o Narayana Raju,
r/o Thorrur Village and Mandal, Warangal District.

.... APPELLANTS

AND

1 Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.
2 District Collector, Warangal District.
3 Mandal Revenue Officer, Thorrur Mandal, Warangal District.
4 Ch. Poolamma, w/o Late Ramachandra Reddy,
5 Ch. Vasudeva Reddy, S/o Late Singa Reddy,
(R-4 and R-5 are R/o Thorrur Village and Mandal, Warangal District).

.....RESPONDENTS

Counsel for the Appellant: MR.P.PRABHAKAR REDDY

Counsel for the Respondent Nos. 1 to 3: GP FOR REVENUE

Counsel for the Respondent Nos.4 & 5: MR.B.SUDHAKAR REDDY

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WRIT PETITION NO : 6556 of 2004

Between:

1 R.Srinivas, s/o R.Shankaraiah,
Member of Mandal Parishad Territorial Constituency, Torrur.2, Warangal District.
2 B.Venkanna Yadav, s/o B.Rajaiah,
Upa-Sarpanch, Torrur Gram Panchayat,
Warangal District.

..... PETITIONERS

AND

1 The State of Andhra Pradesh, rep., by the Commissioner of Land Revenue, Station Road, Hyderabad.
2 The District Collector, Warangal District.
3 The Mandal Revenue Officer, Torrur Mandal,
Warangal District.
4 Mithinti Venkateshwarlu, s/o Narsaiah,
r/o Khanapur Village, Torrur Mandal, Warangal District.
5 A. Uppala Chary, s/o Ramachandraiah,
r/o Torrur Village and Mandal, Warangal District.
6 K. Atchi Reddy, s/o Malla Reddy,
r/o Ammapuram Village of Torrur Mandal, Warangal District.
7 L. Venkatanarayana Goud, s/o Somaiah Goud,
r/o Gurthur Village of Torrur Mandal, Warangal District.
8 N. Veeranna, s/o Yakaiah,
r/o Torrur Village, Torrur Mandal,
Warangal District.
9 P. Seeta Ramulu, s/o Venkataiah,
r/o Matedu Village, Torrur Mandal, Warangal District.

10 K. Surender Raju, s/o Narayana Raju,
r/o Torrur Village, Torrur Mandal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus calling for the records relating to the Proc.Roc.A/B/5732/2000, dt.21-11-2003 issued by the 3rd respondent and declare the same as illegal, arbitrary and further direct the official respondents to conduct the open auction for dispose of the land in Sy.No.3 of Torrur Village with due process of law.

Counsel for the Petitioner: MR.P.RAGHAVENDRA REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR ASSIGNMENT

Counsel for the Respondent Nos. 4 to 10: MR.P.PRABHAKAR REDDY

The Court made the following:

COMMON ORDER:

The order passed by the learned Single Judge, in our considered opinion, does not suffer from any errors requiring our interference in exercise of our appellate jurisdiction. The learned single Judge rightly interfered with the order dated 21-01-2003 passed by the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad, as the said order does not disclose any reason whatsoever for dismissing the appeal preferred by respondents 4 and 5. The learned single Judge rightly observed that the impugned order is so bald and does not disclose any reason whatsoever that weighed in confirming the orders passed by the District

Collector, Warangal.

A mere look at the order dated 21-01-2003 which reads as follows;

> "After examining the Appeal Petition together with its material papers, the Commissioner of Appeals, A.P. Hyderabad has rejected the appeal at the admission stage as grounds raised in the Appeal against district Collector's orders are not convincing and unrelated".

would make it clear that the appeal preferred by respondents 4 and 5 herein has been dismissed at the admission stage by the Commissioner without any application of mind. Such summary dismissal of the appeals even at the stage of admission cannot be countenanced by this Court. It is needless to observe that every order passed by the authorities exercising quasi-judicial power which require determination of the rights of the parties are to be based on reasons. Mere conclusions without support of reasons cannot be considered to be a valid order in the eye of law.

In the aforesaid circumstances, we find no merit in the appeal and the same shall accordingly stand dismissed.

Learned Counsel for the appellants however, contended that the very appeal preferred by respondents 4 and 5 is not maintainable in law since it was not filed within the time stipulated by this Court in the earlier round of litigation. Even this aspect of the matter together with all objections, which the appellants intend to raise can be raised before the Commissioner and all such objections are required to be taken into consideration by the Commissioner for disposal of the appeal in accordance with law. It is needless to observe that the Commissioner shall issue notices to all the parties and provide an adequate opportunity of being heard and then dispose of the appeal preferred by respondents 4 and 5 in accordance with law within a period of three months from the date of receipt of a copy of this order.

In view of our order in the Writ Appeal, no further direction is said to be required to be issued in the Writ Petition.

The Writ Petition shall accordingly stand dismissed.

(B. SUDERSHAN REDDY, J.)

(K.C. BHANU, J.)

es/ks

Note: Despatch copy of the Order within

3 days.

B/O

Es/ks

To

1 The Commissioner, Land Revenue, State of Andhra Pradesh, Station Road, Hyderabad.
2 The District Collector, Warangal District.
3 The Mandal Revenue Officer, Torrur Mandal,
Warangal District.
4. 2 CCs to the Government Pleader for Revenue, High Court Buildings (OUT), Hyderabad.

5. 2 CCs to the Government Pleader for Assignment, High Court Buildings (OUT), Hyderabad.

6. 2CD copies